



Insurance and Real Estate Committee  
***Proposed Bill No. 5193: An Act Concerning Health Insurance Coverage for Gender Reassignment Surgery***

Submitted by Catherine Bailey, CT Women's Education and Legal Fund  
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My name is Catherine Bailey and I serve as the Legal and Public Policy Director of the Connecticut Women's Education and Legal Fund (CWEALF). CWEALF is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. Since 1973, we have worked to prevent discrimination in the law, especially against underrepresented groups. CWEALF played a leadership role in the advocacy efforts to expand the state's anti-discrimination to cover gender identity and expression and believe that this proposed bill undermines the critical protections provided in the 2011 statute.

CWEALF's Legal Education Program provides information, advocacy, and referrals to individuals facing a variety of legal issues, including family law, employment discrimination, and civil rights. We provide legal support and resources to the LGBT community regarding their protections under the law.

On behalf of CWEALF, I am submitting this testimony today to oppose Proposed House Bill No. 5193, *An Act Concerning Health Insurance Coverage for Gender Reassignment Surgery*. This bill would allow health insurance policies in Connecticut to exclude coverage for gender reassignment surgery and related medical expenses.

Gender dysphoria, formerly referred to as gender identity disorder, is a serious medical condition that is characterized by a profound and debilitating misalignment of a person's gender identity with one's birth sex. Because of societal expectations of gender and sex, transgender people often face significant discrimination in many areas of life, including the ability to work and earn a living, access to equal health care, and the freedom to marry.

This bill would reinforce this persistent discrimination by removing access to health care that is critical for people who are transitioning. Gender reassignment surgery is often considered medically necessary for people with gender dysphoria. If enacted, this bill would also run afoul of several Connecticut laws that protect the health care needs of transgender people.

Public Act 11-55 prohibits discrimination based on gender identity or expression. The Connecticut Department of Insurance has determined that this legislative intent includes the prohibition of discriminatory practices based on gender identity and expression extends to health

insurance practices.<sup>1</sup> This means that medically necessary treatments related to this condition should not be treated any differently than other medically necessary treatments. The refusal to cover medically necessary treatments may also be considered an unfair claim settlement practice under C.G.A. Section 38a-816(6).

In addition, Connecticut laws pertaining to individual and group health insurance plans require coverage for the diagnosis and treatment of "mental or nervous conditions," which includes gender dysphoria in the American Psychiatric Association's DSM5.<sup>2</sup> This surgery should therefore be covered under individual and group health insurance plans, or employers and health insurance companies may violate the law.

Medical professionals widely confirm that gender reassignment surgery is not elective or cosmetic, but a medically-necessary treatment that is often required for individuals experiencing this condition. We urge you to oppose Proposed Bill 5193, which conflicts with several current state laws, and will only have the effect of further marginalizing a group of people that already face extreme harassment and discrimination.

Thank you for your consideration.

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<sup>1</sup> Bulletin IC-37, State of Connecticut Insurance Department, "Gender Identity Nondiscrimination Requirements," December 19, 2013.

<sup>2</sup> Id.